IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21165 of 2004

Between:

1 T. Subba Rao, S/o. T. Ramaswamy,
R/o. 1-22 Enekepadu, Vijayawada Rural.
2 Smt. D. Aparna, W/o. Sri, D.Baji Prasad,
R/o. Surya Apartments, Gundala, Vijayawada.

..... PETITIONERS

AND

The S.H.O., Thadepalli P.S., Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned action of the Respondent and his subordinates in harassing the Petitioners and calling them to the police station and threatening them to implicate in the crime No.143 of 2004 on the ground that they have purchased the temple lands and summoning them to the police station without any just reason or cause and without registering any crime and also threatening them to harass as arbitrary, illegal and violation of Article 21 of Constitution of India besides principles of natural justice.

Counsel for the Petitioners: MRBOMMISREE HARI

Counsel for the Respondent: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

The present writ petition is filed to issue a writ of Mandamus declaring the impugned action of the respondent and his subordinates in harassing the petitioners and calling them to the Police Station and threatening them to implicate in Crime No.143 of 2004, as illegal and arbitrary.

The petitioners' case is that they purchased some extent of agricultural land from one Maddali Thirumala Charyulu and another under registered sale deeds, and since then they are in peaceful possession and enjoyment of the same. While so, the petitioners contend that the single trustee of Sri Pattabiramaswamy Temple filed a complaint before the respondent herein, against their vendors alleging that they sold the land belonging to the temple, and taking cognizance of the same, a case in Crime No. 143 of 2004 under Section-420 I.P.C. was registered against their vendors. Now, the apprehension of the petitioners is that the respondent is threatening to implicate them in the above case because they allegedly purchased the land belonging to the temple.

Upon receipt of the notice in the writ petition, the respondent filed counter-affidavit *inter alia* denying all the allegations made in the affidavit. It is stated that during the course of investigation of the case in Cr. No.143 of 2004, statements of eight witnesses were recorded, and the investigation is not yet completed. It is further stated that the petitioners herein are arrayed as Accused Nos.8 and 9 respectively.

In view of the statement made in the counter-affidavit that the petitioners herein are arrayed as Accused Nos. 8 and 9 respectively in the case in Crime No.143 of 2004 of Thadepalli Police Station, and the investigation is still in progress, I see no reason to pass any order, suffice it to state that the petitioners are at liberty to approach the competent criminal Court for appropriate reliefs.

With the observations as above, the writ petition is disposed of. No order as to costs.

27.04.2005

dr/tvk

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To

1 The Station House Officer, Thadepalli P.S., Guntur District.

2 2 CCs to Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

3 2 CD copies